IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8572 OF 2006

Smt. Kavita Sanjay Bharade & Ors. ... Petitioners

Vs.

State of Maharashtra & Ors. ... Respondents

Mr. M.B. Shirsat for the petitioners.

Mr. C.R. Sonawane, A.G.P. for respondents 1, 3 and 4.

Mr. M.B. Mehere for respondent 2.

Mr. M.N. Sandhyanshiv for respondents 5 and 6.

CORAM : SMT. RANJANA DESAI &
SMT. ROSHAN DALVI, JJ.

DATED : NOVEMBER 21, 2007.

P.C.:-

1. By order dated 1/2/2006 passed in Writ Petition No.6937 of 2002 filed by the present petitioner, the Division Bench of this court, relying on the judgment of this court in ***Kondiba Dattarao Mirashe v. State of Maharashtra, 2003 II CLR 338***, had directed respondent 6 to lodge the claim for approval of the appointment of the petitioner with the Education Officer, Government of Maharashtra i.e. respondent 3. At that time, the petitioner was working as Assistant Teacher and was teaching in

7th standard. Therefore, the proposal was made to the Education Officer, Primary Division. It appears that during the pendency of the petition in 2003, 5th standard to 7th standard were shifted to Secondary Division. Since the Education Officer, Secondary Division was not a party to the earlier petition, this fact was not brought to the notice of the court. Learned counsel for the petitioner, therefore, states that now a direction be given to respondent 6 to lodge the claim for approval of appointment of the petitioner to the Education Officer, Secondary Division i.e. respondents 3 and 4.

2. We have heard learned A.G.P. Our attention is drawn by learned A.G.P. to paragraph 10 of the affidavit filed by Rajkumar N. Chavan, Deputy Education Officer (Secondary) Zilla Parishad, Satara. As per this affidavit, respondent 6 has appointed the petitioner on “non-grant basis” in its secondary section. Respondent 6 had sent her proposal on 23/8/2005 and the proposal had been sanctioned by letter dated 31/12/2005 on “non-grant basis”. Learned counsel for the petitioner states that the petitioner is entitled to the post on “grant basis”. However, unfortunately this fact was not brought to the notice of this court at

the time when this court passed order dated 1/2/2006. Learned counsel for respondent 6 states that respondent 6 will make a representation to the State Government for approval of the petitioner's appointment on “grant basis”.

3. In the abovementioned circumstances, if such a representation is made, State Government shall consider it independently and in accordance with law. We make it clear that we have not considered the merits of the contentions raised by the petitioner and the respondents.

4. We are informed that the petitioner has not got the salary from 1996. Respondent 6 shall take all necessary steps to ensure that arrears of salary are paid within two months from today. The petition is disposed of.

[SMT. RANJANA DESAI, J.]

[SMT. ROSHAN DALVI, J.]